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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,032	04/24/2001	Toru Matsuki	017446/0312	4260
22428	7590	10/06/2004	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			HABTE, ZEWDU	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/840,032

**Applicant(s)**

MATSUKI, TORU

**Examiner**

Zewdu Habte

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 4-7 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakahara et. al (US2001/0019961A1) in view of Yotsumoto (US 2001/0022807A1) and Schwartz et al (US 6,370,109 B1).

With regard to claim 1, Nakahara teaches a CDMA (Code Division Multiple Access) mobile communication system (Fig. 1) comprising a base station (Fig. 2 @ 100) and a mobile station (Fig. 2 @101) connected to said base station by radio through reverse-link and forward-link control channels, calculation means (Fig. 5 @251) for, when the forward-link transmission power value becomes smaller than a predetermined steady output value, calculating system parameter information of said mobile station, which corresponds to the reduced forward-link power value (page 4, paragraph 52, lines 14-19, the calculation means gets the mobile's signal-interference-ratio and compare it with the predetermined SIR); and notification means (Fig. 3 @ 16) for notifying said mobile station of the system parameter information of said mobile station, which is output from said calculated means (page 5, paragraph 55, lines 6-15, after calculating the SIR value of the mobile, if the mobile's SIR value is below or above the target value,

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the notification means instruct the mobile station to increase or decrease power), and mobile station (Fig. 2 @101) comprising: transmission power control means for, ..., controlling a transmission power value of the reverse-link control channel from said mobile station on the basis of a value obtained from a reception field strength value of the forward-link control channel from said base station and the system parameter information of said mobile station, which is transmitted from said base station (Fig. 2 @ 44, page 3, paragraph 45, lines 10-17, when the transmission power control at the mobile station receives the system parameter value from the base station, the power control means at the mobile station decrease or increase the power value of the mobile station according to the instruction receives from the base station). Nakahara does not teach that a mobile station in a standby state starts originating/terminating operation to/from said base station. Yotsumoto clearly discloses that a mobile station, which receives signal intermittently, may enter into a standby state to save battery (page 1, paragraph 8, lines 1-4). It would have been obvious to combine Nakahara with Yotsumoto for the purpose of determining the transmission power of the reverse-link control channel while the mobile is in a standby state. The motivation for a mobile to enter into a standby state is to prolong battery life. Also, neither Nakahara nor Yotsumoto discloses a base station with monitoring means, but Schwartz teaches a base station comprising: monitor means for monitoring a forward-link transmission power value radiated to said mobile station (Fig. 5 @412). It would have been obvious to one of ordinary skill in the art to combine Nakahara and Yotsumoto with Schwartz for the purpose of

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monitoring a forward-link transmission power from a base station. The motivation is to much a forward link power with a predetermine power in-order to control any power gain or loss in a forward-link transmission before transmission starts.

Claim 2 is rejected because Nakahara teaches the system parameter information of said mobile station is a transmission power initial constant value representing an absolute value of transmission power (page 5, paragraph 62, lines 1-2, the initial value for the system parameter information is zero).

Claim 3 is rejected because Nakahara teaches the system parameter information of said mobile station transmission power correction value representing difference from a transmission power initial constant set in said base station (Fig. 7, page 5, equation 1, subtracting the correction value set by the base station power control from the initial value; every time the correction value is saved and integrated with the latter value to get an average of accumulated correction values).

Claim 8 is rejected because Nakahara teaches a transmission power control method for a mobile communication system (Fig. 1) for executing radio communication between a mobile station (Fig. 2 @101) and a base station (Fig. 2 @ 100) using a CDMA (Code Division Multiple Access) scheme, comprising the steps of: when the forward-link transmission power value becomes smaller than a predetermined steady output value, calculating system parameter information of the mobile station, which corresponds to the reduced forward-link transmission power value (Fig. 5 @ 251, page 4, paragraph 52, lines 14-19, the

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calculation means get the mobile's signal-interference-ratio and compare it with the predetermined SIR); and when the mobile station ..., determining a transmission power value of the reverse-link control channel from the mobile station on the basis of a value obtained from a reception field strength value of a forward-link control channel from the base station and the calculated system parameter information of the mobile station (Fig. 2 @ 44, page 3, paragraph 45, lines 10-17, when the transmission power control at the mobile station receives the system parameter value from the base station, the power control means at the mobile station decreases or increases the power value of the mobile station according to the instruction received from the base station). Nakahara does not teach that a mobile station in a standby state starts originating/terminating operation to/from said base station. Yotsumoto clearly discloses that a mobile station, which receives signal intermittently, may enter into a standby state to save battery (page 1, paragraph 8, lines 1-4). It would have been obvious to combine Nakahara with Yotsumoto for the purpose of determining the transmission power of the reverse-link control channel while the mobile is in a standby state. The motivation for a mobile to enter into a standby state is to prolong battery life. Also, neither Nakahara nor Yotsumoto discloses a base station with monitoring means, but Schwartz teaches a base station comprising: monitor means for monitoring a forward-link transmission power value radiated to said mobile station (Fig. 5 @412). It would have been obvious to one of ordinary skill in the art to combine Nakahara and Yotsumoto with Schwartz for the purpose of monitoring a forward-link transmission power from a base station.

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The motivation is to much a forward link power with a predetermine power in order to control any power gain or loss in a forward-link transmission before transmission starts.

Claim 9 is rejected because Nakahara teaches the system parameter information of said mobile station is a transmission power initial constant value representing an absolute value of transmission power (page 5, paragraph 62, lines 1-2, the initial value for the system parameter information is zero).

Claim 10 is rejected because Nakahara teaches the system parameter information of said mobile station transmission power correction value representing the difference from a transmission power initial constant set in said base station (Fig. 7, page 5, equation 1, subtracting the correction value set by the base station power control from the initial value; every time the correction value is saved and integrated with the latter value to get an average of accumulated correction values).

***Allowable Subject Matter***

Claims 4,5,6,7 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zewdu Habte whose telephone number is 571-272-3115. The examiner can normally be reached on 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571-272-3078.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

zh  
9/10/04



**KENNETH VANDERPUYE**  
**PRIMARY EXAMINER**